

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

**In Re:RFC and ResCap Liquidating  
Trust Litigation**

This document relates to: **ALL ACTIONS**

)	<b>COURT MINUTES - CIVIL</b>	
)		
)	BEFORE:	
)	Hon. Susan Richard Nelson, U.S.D.J.	
)	Hon. Jeffrey J. Keyes, U.S.M.J., and	
)	Hon. Hildy Bowbeer, U.S.M.J.	
)		
)	Case No:	13-03451 (SRN/JJK/HB)
)	Date:	June 25, 2015
)	Court Reporter:	Heather Schuetz (morning sessions) <i>heather_schuetz@mnd.uscourts.gov</i>
)	Carla Bebault (afternoon session) <i>carla_bebault@mnd.uscourts.gov</i>	
)	Courthouse:	St. Paul
)	Courtroom:	Devitt Ceremonial Courtroom
)	Time in Court:	9:39 a.m. – 11:13 a.m., 11:36 a.m. – 12:40 p.m., 2:02 p.m. – 3:35 p.m.
)	Time in Court:	4 hours, 10 minutes overall
)	(Time for Judge Nelson: 2 hours, 38 minutes)	
)	(Time for Judge Keyes: 45 minutes)	
)	(Time for Judge Bowbeer: 4 hours, 10 minutes)	

**STATUS CONFERENCE AND MOTION HEARING:**

**APPEARANCES:**

<i>For Plaintiffs:</i>	Jennifer A.L. Battle	Isaac Nesser
	Danielle Gilmore	Johanna Ong
	Donald G. Heeman	Edward P. Sheu
	Jessica J. Nelson	Todd Underhill

*For FTI Consulting:* Tom Mahlum, Robins Kaplan LLP

<i>For Defendants:</i>		
Noorudin Mahmood Ahmad	Jeffrey D. Klobucar	Erin Sindberg Porter
Mark J. Carpenter	Sharda R. Kneen	Isaac M. Rethy
Stacey Drentlaw	Elizabeth V. Kniffen	Mark G. Schroeder
James L. Forman	Kelly G. Laudon	Beth A. Stewart
Elaine P. Golin	Amanda Raines Lawrence	T. Christopher Stewart
Benjamin E. Gurstelle	Seth J.S. Leventhal	Daniel J. Supalla
Leora Itman	William C. Mayberry	Eric P. Tuttle
Steven W. Jelenchick	William A. McNab	Jack V. Valinoti
Jonathan M. Jenkins	Michael J. Minenko	R. Hackney Wiegmann
Matthew W. Johnson	Nicole Moen	
James M. Jorissen	Carol R.M. Moss	

## PROCEEDINGS:

The Court issued the following rulings:

### **1. Pre-Status Conference Protocol**

When submitting the status conference agenda, the parties shall submit a letter addressing each agenda item and provide an update on the status of the agenda items. The parties shall notify the Court of any changes to the agenda no later than 24 hours before each status conference.

### **2. Scheduling**

The August status conference will be held on August 26, 2015 at 9:30 a.m. The parties shall confer and contact the Court via letter regarding their preference for the start time of the September 21, 2015 status conference.

### **3. Mediation Special Master**

The parties shall form a working committee with respect to a mediation special master and shall present a proposal to the Court, as well as any objections, regarding how the parties shall divide responsibility for the mediation special master's services and fees.

### **4. Potential Conflict of Interest Involving Non-Party FTI**

Within the next several business days, Plaintiffs will discuss how to address the potential conflict of interest involving FTI from a procedural standpoint and will then inform the Court. If Plaintiffs proceed on this issue through formal motion practice, the motion shall be heard at the July 23, 2015 status conference.

### **5. Adjustments to the Consolidated Case Management Order**

Within two weeks, the parties shall meet and confer regarding their proposed amended deadlines regarding depositions – particularly Rule 30(b)(6) depositions. If the parties cannot reach agreement, they shall devise a briefing schedule, with the matter to be heard at the August 26 status conference or decided on the papers.

To the extent that the parties reach resolution on any adjustments to the discovery deadlines, including privilege log production and deposition disclosure deadlines, they shall submit a Proposed Amended Case Management Order to the Court.

### **6. Substantial Completion Updates**

By June 30, 2015, all parties – including recently-transferred cases – shall file a supplemental letter with the Court regarding the substantial completion of discovery. The letter shall distinguish between discovery produced from originally-identified document custodians and later-added document custodians. As to discovery from later-added document custodians, the parties shall indicate when completion of the production is anticipated and shall also explain why basic categories of documents (e.g., executed agreements, contract negotiations, loan sales, origination/underwriting policies & procedures, discussion of loan origination/underwriting, loan performance, repurchase demands, quality audit process, servicing, exceptions, prior litigation, RFC's securitizations or bankruptcy, minutes or reports, organizational charts, RFC client

guides, and custodial documents) have not been produced, if applicable.

If the parties have searched custodial files and found no responsive discovery as to certain requests for documents, they shall notify the Court by letter no later than July 16, 2015, and shall also submit sworn affidavits from their respective clients regarding their search efforts and the resulting lack of responsive information. Based on the July 16, 2015 letters, the Court may require some parties to appear at the July 26, 2015 status conference.

#### **7. Discovery Schedule in RFC v. Impac, 13-CV-3506**

The deadline for completion of fact discovery is extended to September 15, 2015.

s/Susan M. Del Monte  
Courtroom Deputy